

RECEIVED
CENTRAL FAX CENTER

MAR 07 2007

60,137-238; 445-3115-U

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Forrest

Serial No.: 10/809,649

Filed: 3/25/2004

Art Unit: 3677

Examiner: Jackson, Andre L.

Title: Universal Dimmer Switch Knob With Non-
Cylindrical Engagement Surface**BEST AVAILABLE COPY**M/S AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**REPLY BRIEF**

Dear Sir:

In response to the Examiner's answer mailed 9 January 2007, appellant now submits this concise reply brief.

Arguments with Regard to Claim 1

The examiner argues that the Keeler reference does meet claim 1, and that the preamble of claim 1 is the only place that a dimmer switch limitation is found. Further, the examiner argues points to the *In re Schreiber* Federal Circuit decision.

Claim 1 requires that the intermediate member has an inner bore which will receive a shaft from a dimmer switch. A dimmer switch shaft would have a known outer periphery, and this intermediate member must receive it. Thus, the preamble is tied back into the body of the claim.

BEST AVAILABLE COPY

60,137-238; 445-3115-U

Further, a dimmer switch is a known item in the prior art of switches. It is an electric switch for a light. The examiner's alternative argument that the Keeler reference discloses a "dimmer switch" because it controls a gas flow, and thus the volume of a flame, is simply an unfair reading of the claim.

Arguments With Regard to Claim 6

The examiner argues that claim 6 is properly rejected because there is a gap 14 between the two side lobes 16 and 18. However, that reading would result in the area between the two side lobes being less stiff than an apex lobe. That is not what the claim requires. The claims require the side lobes themselves being less stiff. Simply, this claim is improperly rejected.

Arguments With Regard to Claim 7

The rejection of claim 7 is also argued by the examiner.

However, nothing within Keeler notes that the angle is distinct. It may well be that the size is simply larger. It is the examiner's burden to prove the claims are properly rejected. The examiner has not done so.

Arguments With Regard to Claim 10

The examiner argues again that the two embodiments of Keeler Figures 1 and 5 meet this claim.

However, as mentioned in the main brief, embodiments 1 and 5 are not ever disclosed as a "kit."

The examiner points to a CCPA decision from 1951 in *Kropa v. Robie*. Notably, 1951 is before the enactment of 35 U.S.C. §103. Also, claim 10 does not rely solely on its "preamble," but rather specifically claims "a plurality of intermediate members."

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER

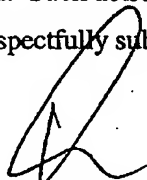
MAR 07 2007

60,137-238; 445-3115-U

CLOSING

For the reasons set forth above, and for the reasons set forth in the main brief, the rejection of the claims is improper and must be reversed. Such action is solicited.

Respectfully submitted,

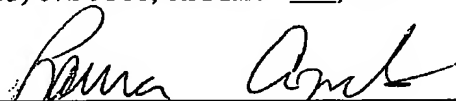


Theodore W. Olds, Reg. No. 33,080
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: March 7, 2007

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on March 7, 2007.



Laura Combs